

REQUIREMENTS

- A. The conciliation period allows time for the case manager to investigate the reason for non-compliance with Family Investment Program (FIP) requirements
1. Begin the 30-day period with the date of the conciliation letter
 2. Thoroughly document/narrate the outcome of all discussions with customers
 3. If a TCA customer fails to comply with applicable requirements, allow a conciliation period once for each of the following:
 - Child support
 - Work
 - DEAP/TCA
 - Substance abuse

Note: If there was a conciliation period for non-compliance with child support, work, or substance abuse requirements prior to November 1, 1998, the customer is entitled to one new conciliation period for each of the non-compliance categories.

- B. Give customers every opportunity to participate in the 30-day conciliation process and comply with program requirements prior to imposing a sanction, however:
1. The local department may extend the conciliation period if customers, through no fault of their own, want to comply but cannot do so within 30 days
 2. Customers are not entitled to a new conciliation period if:
 - They complete a conciliation period and again fail to comply
 - Their case is reopened when a sanction is lifted for compliance
- C. When customers fail to comply as stated in A 3 above, the case manager must:
1. Send a conciliation letter to schedule a conciliation conference
 - The conference, which can be held by phone, is a chance for the case manager and customer to discuss the reasons compliance is required, the reasons for non-compliance, and possible courses of action

- To the extent possible, follow up the letter with phone or personal contact to confirm receipt of the letter and discuss the reasons for non-compliance
- If the non-compliant customer is a minor, mail the conciliation letter to the caretaker relative and schedule the meeting with both of them

Note: Any phone contact with the minor must be followed or preceded by a call to the caretaker relative

2. Send a follow up letter after the conference reminding customers of the decisions reached and instructing them in how to achieve the desired results
 3. If the customer does not agree to comply and did not establish good cause, send a Notice Of Adverse Action (NOAA)
 - If the customer verifies compliance before a NOAA is issued, there is no instance of non-compliance recorded and no instance of sanction counted
- D. Local departments may extend the conciliation period for non-cooperation with work requirements up to 90 days immediately following the customer's 24th month of benefits
1. The conciliation period cannot extend beyond the 27th month of benefits
 2. A supervisor must sign off on a sanction imposed on a customer who has reached the 24th month of benefits to ensure all case managers at least tried to investigate the reasons for non compliance
- E. Customers with an Intentional Program Violation are not entitled to the conciliation process

GOOD CAUSE OR EXEMPTION

- A. The case manager must investigate good cause prior to sending a NOAA regardless of the number of instances of non-compliance including when the customer is not entitled to a conciliation period

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- B. Do not count an instance of non-compliance or impose a sanction If the customer verifies that good cause or an exemption exists during the conciliation period regardless of whether such verification occurs:
1. During the conciliation period, or
 2. In response to further instances of non-compliance

NOTICE OF ADVERSE ACTION

- A. Send NOAA no later than the fifth working day before the end of the conciliation period if the household fails to respond to:
1. The conciliation letter, or
 2. Subsequent attempts at contact
- B. The case manager may send the NOAA any time during the conciliation period when the customer refuses to comply, but the sanction is not effective until the first of the month following the end of the conciliation period (e.g. if the 30-day conciliation period began August 10, the sanction becomes effective October 1)
- C. If the customer refuses to comply, the local department issues a NOAA, and:
1. Closes the case, or
 2. Removes the individual's needs from the grant amount if the person:
 - Is a minor who does not meet work requirements
 - Fails to comply with substance abuse treatment requirements

Note: In Intentional Program Violation (IPV) cases, individuals, not just their needs, are removed from the assistance unit if the violation was committed prior to October 1, 1996.

SANCTIONS

- A. Count instances of sanction:
1. From the date the NOAA is sent
 2. Consecutively, whether they occur before, on, or after November 1, 1998

Note: Denying a new application is not an instance of sanction.

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- B. Instances of sanction occur and are counted even though the household complies during the NOAA period
- C. Sanctions are effective the first day of the month following the expiration of the adverse action period

EXAMPLES

1. The local department determines that Mr. Smith did not comply with the job search component of the work requirement on November 10 and, since it is the first instance of non-compliance, the case manager sends him a conciliation letter the same day. He fails to keep his scheduled conference or otherwise respond to the letter or phone call.

December 2 The case manager send a NOAA to Mr. Smith 5 working days before the end of the 30-day conciliation period

December 8 He contacts the local department and verifies compliance with the requirement. Record an instance of non-compliance even though the case is not actually closed

Benefits are not interrupted because, in the first instance of non-compliance the sanction is lifted immediately upon compliance, before the TCA benefit amount is affected

December 19 Mr. Smith again fails to perform a job search and the investigation of the second occurrence does not show good cause. He is not entitled to a new conciliation period so the case manager sends a NOAA immediately, records a second instance of non-compliance and imposes a sanction.

Because this is the second instance of non-compliance, benefits cannot be restored until he has complied for 10 days

2. The local department determines on January 15 that Mrs. Brown failed to comply with work requirements. She missed a schedule job interview because she could not arrange for child care. During the conciliation process, the case manager helps her find child care and she continues her job search.

February 1 The case manager learns that Mrs. Brown missed another job interview and initiates a good cause investigation by phoning her. Mrs. Brown verifies she could not attend because she was ill and subsequently resumes her job search.

No instance of non-compliance is recorded and no sanction is imposed.

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3. Mrs. Jones fails to comply with a drug treatment program on December 10. It is the second instance of non-compliance and she did not respond to phone messages requesting she give the reasons.

December 14 The case manager issues a NOAA (counted as second sanction) because there is no conciliation period for a second instance.

December 17 Mrs. Jones calls to say she couldn't get to the treatment center on December 10th because her car broke down and provides proof of repair. She goes to the treatment center.

January 15 The case manager learns Mrs. Jones failed to complete the treatment center program. She is not entitled to a new conciliation period and the investigation of this third instance does not show good cause. The case manager issues a NOAA immediately, records an instance of non-compliance, and imposes a third sanction removing Mrs. Jones needs effective February 1.

Although full benefits cannot be restored until Mrs. Jones complies with substance abuse treatment requirements, she is still expected to meet work requirements during this sanction period

4. The local department determines on December 3 that Mrs. Johnson failed to keep her appointment with the State's Attorney to pursue child support. During the conciliation process, she admits she was confused about the appointment date and would like to schedule a new one. However, she cannot get another appointment until January 8. The local department extends the conciliation period until that date.

January 8 Mrs. Johnson fails to keep the new appointment and does not claim good cause. The case manager issues a NOAA immediately, an instance of non-compliance is recorded and a full-family sanction imposed.

Benefits cannot be restored until it is verified Mrs. Johnson kept the appointment.

ADDITIONAL INFORMATION

- Application — Substance Abuse, Verification, Fraud, Narrative
- Technical Eligibility — Child Support Requirements
- Work & Education – Basic Requirements